

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACOB McKEAN,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

03 Civ. 7790 (RWS)

MEMORANDUM OPINION

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Sweet, D.J.,

Plaintiff Jacob McKean ("McKean") has moved by letter motion to compel the defendant The City of New York ("the City") to produce a 14-page document entitled "Critique Report: T/S Anti-War Demo 3/20/03." (the "Critique") and for the identification of certain supervisors and police officers. For the reasons set forth below, the motion is granted.

Prior Proceedings

McKean filed his complaint against the City and Police Officer Walter Padilla ("PO Padilla") and a number of John Doe Police Officers alleging violation of his civil rights during an anti-war demonstration on March 20, 2003.

By letter of August 7, 2004, McKean sought the above-described discovery. Documents and correspondence were exchanged by the parties until January 7, 2005, at which time the motion was marked fully submitted.

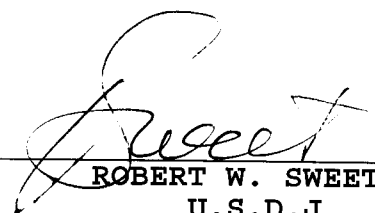
The Critique is similar in content to that which was considered by the Honorable Michael H. Dolinger in his Memorandum and Order of December 28, 2004 (the "December 28 Order") in Haus et al. v. City of New York, 03 Civ. 4915, which was the subject of a Memorandum Opinion of this Court filed on April 27, 2005. Since the document at issue here is substantially similar to the one at issue in Haus, the determination arrived at in the April 27 Memorandum Opinion is controlling here.

Because of the positions of the parties in Haus with respect to the review of the Critique under consideration there, one further redaction will be permitted in connection with the production of the Critique. Under the authorities cited by Judge Dolinger and by the parties on this motion, see, e.g., Allstate Ins. Co. v. Serio, 97 Civ. 0620 (SS), 1998 U.S. Dist. LEXIS 12583, at *6 (S.D.N.Y., Aug. 10, 1998), the subjective recommendations in the Critique by the reporting officers concerning future conduct may be redacted.

In addition, a particularized need having been demonstrated, the Police Officers present at the time and place of McKean's arrest will be identified.

It is so ordered.

New York, NY
April 27, 2005



ROBERT W. SWEET
U.S.D.J.